

Europäisches Patentamt  
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Application No.: 01 962 862.7 ①

Patent No.: EP-B-1301238

### Preparation for oral proceedings - Instructions to Support Service

Oral proceedings are to be held in connection with the above patent application

1. The matters to be discussed are set out in the annex (Form 2906)
2. Dispatch the summons using Form 2008/2310 for the parties to attend on:

Day 13.03.2008 Time 9:00

ROSY

This CASEX action is compliant with

EPC1973  
 EPC2000

Room 1.2 booked

ORAL 1,2,3 coded

Date 13.11.07 Initials *Be*

H. Block  
*Be*

- 2.1 If no room is available, notify the division on Form 2088

- 2.2 Parties' submissions in preparation for the oral proceedings, if any, should be made no later than

1 month(s)

before the date of the oral proceedings  
(transfer to Form 2008.1 / 2310.1)

- 2.3 Encode ORAL(4) ②

coded ① ②

20.11.2007 *Be*  
Date Initials

- 2.4 Dispatch Form 2008.7 / 2310.7 to division

20.11.2007 *Be*  
Date Initials

H. Block  
131070 2007  
H. Block 2007

**Europäisches Patentamt  
GD2-Einspruch**

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DG2-Opposition**

3.  Arrange for the following special equipment  
to be provided in the conference room:

refreshments

Date ..... Initials .....

4. Request language service to provide simultaneous  
interpretation facilities as necessary

Date ..... Initials .....

5. Return the dossier to primary examiner with Form 2041  
(15 days before the oral proceedings)

Date ..... Initials .....

6. Check that summons has been received  
(receipt - white / advice of delivery - red)

7. 15 days before the oral proceedings:  
- dispatch the dossier to the primary examiner and  
- dispatch Form 2041 to those responsible within the EPO.

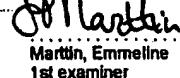
7/11/08

Date

  
Bouldois, Denis

Chairman

  
Menidjel, Razik  
2nd examiner

  
Martin, Emmeline  
1st examiner

Legal member



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Date  
23-11-2007

Reference 00230EPOPP	OPPO 02	Application No./Patent No. 01962862.7 - 1219 / 1301238
Applicant/Proprietor SmithKline Beecham Biologicals S.A., et al		

#### Summons to attend oral proceedings pursuant to Rule 71(1) EPC

You are hereby summoned to attend oral proceedings arranged in connection with the above-mentioned European patent.

The matters to be discussed are set out in the communication accompanying this summons (EPO Form 2906).

The oral proceedings, which will be public, will take place before the opposition division

on 13.03.08 at 09.00 hrs in Room 1.2 at the  
EPO Rijswijk, Patentlaan 2, NL-2280 HV Rijswijk (ZH)

No changes to the date of the oral proceedings can be made, except on serious grounds (see OJ EPO 10/2000, 456).

If you do not appear as summoned, the oral proceedings may continue without you (R. 71(2) EPC). Your attention is drawn to Rule 2 EPC, regarding the language of the oral proceedings, and to the OJ EPO 9/1991, 489, concerning the filing of authorisations for company employees and lawyers acting as representatives before the EPO.

The final date for making written submissions and/or amendments (R. 71a EPC), is 13.02.08.

You are requested to report in good time beforehand to the porter in the EPO foyer. Room 1.2 is available as waiting room.

1st Examiner:  
Martin E

2nd Examiner:  
Menidjel R

Chairman:  
Boulois D

For the Opposition Division

Annexes:

Confirmation of receipt (Form 2936) ✓  
Rule 2 EPC (EPO Form 2912) ~~✓~~  
Communication (EPO Form 2906) ✓

Block, Helga

Bescheid/Protokoll (Anlage)	Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date Date 23.11.2007	Blatt Sheet Feuille 1	Anmelde-Nr.: Application No.: Demande n°: 01 962 862.7

I. European Patent No. EP-B1-1 301 238 (hereinafter referred to as "the patent in suit") is based upon European patent application No 01962862.7, filed on 18.07.2001. The title of the patent in suit is "Needles coated with vaccine". The publication and mention of the grant of the patent in suit was on 22.09.2004, Bulletin 2004/39.

The patent in suit was granted to Smithkline Beecham Biologicals S.A., 1330 Rixensart (BE) and Smithkline Beecham PLC, Brentford, Middlesex TW8 9GS (GB), hereinafter referred to as "the patentee".

II. The patent in suit is opposed with a notice of opposition dated 21.06.2006 by Sanofi Pasteur, Discovery Drive, Swiftwater, PA 18370 (USA) hereinafter referred to as "opponent I".

The patent in suit is opposed with a notice of opposition dated 22.06.2006 by 3M Innovative Properties Company, St. Paul (USA), hereinafter referred to as "opponent II".

III. The following documents were cited during the procedure:

- E1a: GB878788 (D1 of opponent I, D2 of patentee)
- E1b: US3072122 (family member of GB878788, D8 of opponent II, D15 of patentee)
- E2: US3678150 (D6 of opponent I, D1 of opponent II, D3 of patentee)
- E3: US3123212 (D5 of opponent I, D1c of opponent II, D4 of patentee)
- E4: WO0044438 (D3 of opponent I, D7 of opponent II, D5 of patentee)
- E5: WO0012173 (D4 of opponent I, D6 of opponent II, D6 of patentee)
- E6: WO9603978 (D7 of opponent I, D3 of opponent II, D7 of patentee)
- E7: WO9748440 (D8 of patentee)
- E8: WO9964580 (D2 of opponent I, D5 of opponent II, D1 of patentee)
- E9: US2619962 (D1a of opponent II, D9 of patentee)
- E10: US2893392 (D1b of opponent II, D10 of patentee)
- E11: US3221739 (D1d of opponent II, D11 of patentee)
- E12: US3221740 (D1e of opponent II, D12 of patentee)
- E13: Remington's, 17th Edition, Pharmaceutical Sciences (1985), pp. 1380-95,

Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)		Notification/Procès-verbal (Annexe)	
Datum Date Date	23.11.2007	Blatt Sheet Feuille	2	Anmelde-Nr.: Application No.: Demande n°:	01 962 862.7

Mack Publishing Company, Pennsylvania (D2 of opponent II, D13 of patentee)

- E14: WO9828037 (D4 of opponent II, D14 of patentee)
- E15: Pure & Appl. Chem. 65 (1993) 2527-37 (D16 of patentee)
- E16: Experimental data (D17 of patentee)
- E17: Int. J. Pharm. 203 (2000) 1-60 (D18 of opponent II)
- E18: Science, 267 (1995) 1922-3 (D19 of opponent II)
- E19: Pharm. Res. 14 (1997) 969-75 (D20 of opponent II)
- E20: Cryobiol. 29 (1992) 6632-56 (D21 of opponent II)
- E21: Biopharmaceuticals, An industrial perspective. G. Walsh and B. Murphy (Ed.), Kluwer Academic Publishers (1999) (D22 of opponent II)
- E22: "HIV/PPD Conjugate Vaccine Active in Clinical Trial" (1998) (D23 of opponent II)
- E23: Carbohydrate Res. 238 (1993) 39-48 (D24 of opponent II)
- E24: Mechanisms of Transdermal Drug Delivery, R.O. Potts and R.H. Guy (Ed.), Marcel Dekker (1997) 291-349 (D25 of opponent II)
- E25: Encyclopedia of Controlled Drug Delivery, John Wiley & Sons (1999) 546-53 (D26 of opponent II)
- E26: New Scientist, 8 March, (1997) 24-7 (D27 of opponent I)
- E27: Biotechnol. 10 (1992) 1007-11 (D28 of opponent I)
- E28: Dev. Biol. Stand. 87 (1996) 193-199 (D29 of opponent I)
- E29: Children's Vaccine Initiative, CVI Forum 18 (1999) 1-24 (D30 of opponent I)
- E30: WHO Drug Information 12(2) (1998) 68-9 (D31 of opponent I)
- E31: "Report on the First Meeting of the Steering Committee on Immunization Safety", WHO Geneva, 25-26 Oct (1999) 1-44 (D32 of opponent I)
- E32: "Report of the Technical Review Group Meeting", WHO, 7-8 June (1999) 1-88 (D33 of opponent I)
- E33: GB0017999 (priority document of the patent in suit, D34 of opponent I)

The parties are requested to adhere to this numbering E1-E33 for the rest of the procedure.

#### IV. Requests and submissions

The opponent I filed an opposition per telefax of 21.06.2006, confirmed with letter of